



THE ATTORNEY GENERAL

OF THE STATE

AUSTIN, TEXAS

Gerald C. Mann
ATTORNEY GENERAL

Texas State Board of Medical Examiners
Texas Bank Building
Dallas, Texas

Attention: T. J. Crowe, M. D.

Gentlemen:

Opinion No. O-4834

Re: Must a physician be licensed to practice medicine in Texas before the Government can use him as a physician for an enemy alien detention camp, with neither privilege nor function to serve the public medically?

We are in receipt of your opinion request of recent date, wherein you submit the question stated above.

We are of the opinion that the reasoning and principles of law controlling our opinion No. O-4764, will likewise apply to your profession. We attach said opinion, which holds that persons practicing dentistry in Texas under the order and direction of the commanding officer of an alien detention camp established and maintained by the United States Government may do such dental work for the inmates without being licensed by the Texas Dental Board.

In addition, in your case, Article 4504 of the Revised Civil Statutes of Texas, 1925 (a section of the Medical Practice Act), would seem applicable. The pertinent language of said Article reads as follows:

" . . . The provisions of this chapter do not apply to dentists . . . nor to commissioned or contract surgeons of the United States Army, Navy, or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice. . . ." (Emphasis ours)

There may be sufficient distinction between physicians and surgeons to make the above exception inapplicable to practitioners of medicine who are not surgeons; be that as it may, we think the holding of our opinion O-4764 adaptable to the situation to which you refer.

BW:mp:jrb
APPROVED EXPT. 25, 1942
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Yours very truly
ATTORNEY GENERAL OF TEXAS
By /s/ Benjamin Woodall
Assistant

APPROVED OPINION COMMITTEE
BY BWB, Chairman